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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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9 JOHN MICHAEL FARNUM

10 Petitioner,

11 vs.

12 ROBERT LEGRAND, et al.,

13 Respondents.

Case No. 2:13-cv-01304-APG-PAL

ORDER

15 Respondents filed a motion to disqualify counsel for petitioner (Dkt. #10), petitioner filed an
16 opposition (Dkt. #12), and respondents replied (Dkt. #13). The court directed respondents to
17 identify claims that they argue are procedurally defaulted, and the court directed petitioner to rebut
18 that argument and to file a waiver of any present or potential conflict of interest. Order (Dkt. #14).
19 Respondents have filed their response to the order (Dkt. #15), and petitioner has filed an opposition
20 (Dkt. #23) with a waiver personally executed by petitioner.

21 Respondents' response and petitioner's waiver have ended any concern of a conflict of
22 interest for petitioner's counsel. Respondents have noted that none of petitioner's current claims of
23 ineffective assistance of counsel appear to be procedurally defaulted, and thus petitioner's counsel
24 would not be in the position of arguing his own ineffectiveness as cause to excuse the procedural
25 default. Petitioner has waived any future claim that counsel was ineffective for not raising in his
26 state habeas corpus petition any claims that trial or direct-appeal counsel were ineffective.
27 Petitioner also has stated that he has consulted with an independent attorney on the matter. Under
28 these circumstances, there is no reason to remove petitioner's current counsel.

IT IS THEREFORE ORDERED that respondents motion to disqualify counsel for petitioner (Dkt. #10) is **DENIED**. Briefing on the petition shall continue in accordance with the court's prior orders (Dkt. #s 8 and 14).

IT IS FURTHER ORDERED that, from this date forward, the hard copy of any exhibits shall be forwarded—for this case—to the staff attorneys in Las Vegas.

Dated: May 7, 2014.

ANDREW P. GORDON
United States District Judge